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*Pro Bono Counsel Referred via the  
Legal Aid Center of Southern Nevada*  
for Plaintiff GREGORY MAY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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GREGORY MAY,

Plaintiff,

v.

WILLIAM A. GITTERE, in his  
individual and official capacities;  
THERESA WICKHAM, in her individual  
and official capacities;  
MARTIN NAUGHTON, M.D., in his  
individual and official capacities;  
BRIAN WILLIAMS, in his individual  
and official capacities;  
JENNIFER NASH, in her individual and  
official capacities;  
FREDERICK HAMMEL, in his  
individual and official capacities;  
MONIQUE HUBBARD-PICKETT, in  
her individual and official capacities;  
THOMAS HINCKLE, in his individual  
capacity;  
C/OT A. RODRIGUEZ also known as  
AMANDA ARIAS, in her individual  
capacity;  
TIMOTHY HULSEY, in his/her  
individual capacity;  
COREY ROWLEY, in his individual  
capacity;  
CHRISTOPHER MILLER, in his

Case No.: 2:19-cv-00161-RFB-VCF

**ORDER TO  
FILE THIRD AMENDED  
COMPLAINT THAT ADDS  
DONALD SOUTHWORTH,  
TASHEENA COOKE, AND DAWN  
JONES AS DEFENDANTS IN  
THE CASE**

individual capacity; )  
 STEFFEN MOSKOFF, in his individual )  
 capacity; )  
 DAMIEN ROBINS, in his individual )  
 capacity, )  
 )  
 Defendants. )

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Plaintiff Gregory May, by and through his counsel, Angela H. Dows, Esq., and Defendants William A. Gittere, Stephen Moskoff, Jennifer Nash, Martin Naughton, Corey Rowley, Theresa Wickham, and Brian Williams, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Alexander J. Smith, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby submit their Stipulation and Order to add Donald Southworth, Tasheena Cooke, and Dawn Jones as Defendants pursuant to Fed. R. Civ. P. 15 and 20.

Dated this 21st day of July, 2021.

Respectfully submitted,  
/s/ Angela H. Dows  
 ANGELA H. DOWS, ESQ.  
 1333 N. Buffalo Drive, Suite 210  
 Las Vegas, Nevada 89128  
*Pro Bono Counsel Referred via the*  
*Legal Aid Center of Southern Nevada*  
 for Plaintiff GREGORY MAY

**I. APPLICABLE LAW**

Fed. R. Civ. P. 15(a) provides, in relevant part:

(a) Amendments Before Trial.

(1) *Amending as a Matter of Course*. A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) *Other Amendments*. In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Fed. R. Civ. P. 20(a)(2) provides:

(2) *Defendants*. Persons—as well as a vessel, cargo, or other property subject to admiralty process in rem—may be joined in one action as defendants if:

(A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all defendants will arise in the action.

**II. STIPULATION**

The parties submit that: (1) Donald Southworth, (2) Tasheena Cooke, and (3) Dawn Jones be added as Defendants in the subject action. This is based upon the following:

a. That, after a review of the discovery provided by Defendants through April of 2021, the three named additional Defendant parties revealed themselves to be included in the action.

b. Pursuant to Fed. R. Civ. P. 15(a)(2), the instant amendment to the complaint is being sought through the opposing party's written

consent, and the requested court's approval thereto, for the same.

- c. Amendments adding parties may involve consideration of Fed. R. Civ. P. 20, governing permissive joinder. *E.g., Martinez v. Safeway Stores, Inc.*, 66 F.R.D. 446 (N.D. Cal. 1975) (where the court stated that it is implicit in Rule 15 that plaintiff may amend his complaint only to add matters that otherwise would have been proper to include in the original complaint). Consequently, this requires a determination by the district court of whether any right to relief asserted by plaintiffs against all defendants "in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and any operation of law or fact common to all will arise in the action." Fed. R. Civ. P. 20(a). *State Distributors, Inc. v. Glenmore Distilleries Company*, 738 F.2d 405, 416 (10th Cir. 1984).
- d. That, pursuant to Fed. R. Civ. P. 20(a)(2)(A), the Defendants are asserted to factually be included in the same transaction, occurrence, or series of transactions or occurrences as the allegations in the operative complaint in the subject case.
- e. That, pursuant to Fed. R. Civ. P. 20(a)(2)(B), there is a question of law or fact that is common to all Defendants in this action, including the proposed additional Defendants.
- f. Plaintiff Gregory May has been advised of the stipulation, and assents to the same.

g. Thus, the parties agree that:

1. The operative complaint in this action shall be deemed amended to include Defendants: (1) Donald Southworth, (2) Tasheena Cooke, and (3) Dawn Jones.
2. Pursuant to LCR 15-1(a), the proposed Third Amended Complaint adding said Defendants is attached hereto as **Exhibit A**.
3. The Plaintiff shall be allowed to have summonses issued for said added Defendants in order to effectuate service of process of the three (3) added Defendants.
4. No other changes to the other named Defendants, or causes of action thereto, are contemplated via the instant stipulation.

DATED: July 21, 2021

DATED: July 21, 2021

/s/ Angela H. Dows  
ANGELA H. DOWS, ESQ.  
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*Attorney for Plaintiff*

/s/ Alexander J. Smith  
ALEXANDER J. SMITH, ESQ.  
Deputy Attorney General  
Office of the Nevada Attorney General  
555 E. Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101  
*Attorneys for Defendants*

**IT IS SO ORDERED.**

DATED this 26<sup>th</sup> day of July, 2021.

  
UNITED STATES MAGISTRATE JUDGE